



Entered on Docket  
August 26, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

**USA COMMERCIAL MORTGAGE  
COMPANY,**

Debtor.

Case No. BK-S-06-10725-LBR  
Chapter 11

**Order Sustaining Sixth Omnibus  
Objection Of USACM Trust To Proofs Of  
Claim Based In Whole or In Part Upon  
Investment In The Eagle Meadows Loan**

Hearing Date: July 26, 2011  
Hearing Time: 1:30 p.m.

The Court having considered the "Sixth Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Whole or In Part Upon Investment in The Eagle Meadows Loan." ("Eagle Meadows Loan") [DE 8565] (the "Objection"); the Court having heard the Objection on July 26, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the Claims listed on **Exhibit A** does not affect the direct lenders' right to

1 repayment by the borrower or from the collateral securing the Eagle Meadows Loan; and  
2 good cause appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 8565] is sustained; and  
5 2. The claims listed on **Exhibit A** attached are disallowed to the extent those  
6 claims are based upon an investment in the Eagle Meadows Loan.  
7

8 PREPARED AND RESPECTFULLY SUBMITTED BY:

9 **LEWIS AND ROCA LLP**  
10

11 By /s/ John Hinderaker (AZ #018024)

12 Robert M. Charles, Jr.

13 John Hinderaker (*pro hac vice*)

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## LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

\_\_\_\_\_ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

\_\_\_\_\_ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: \_\_\_\_\_

\_\_\_\_\_ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:  
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)  
Attorneys for USACM Liquidating Trust

# # #

**USACM Trust  
Eagle Meadows  
Multiple Loan Claims**

<b>Claim</b>	<b>Date Claim was Filed</b>	<b>Name</b>	<b>Address</b>	<b>Total Claim Amount</b>	<b>Approximate Amount Subject to Objection Because it Relates to an Investment In the Eagle Meadows Development Loan</b>
10725-00212	8/24/2006	Cowan, Melanie	10794 Grande Palladium Way Boynton Beach, FL 33436	100,000.00	50,000.00
10725-01728	12/11/2006	Craig Family Trust Dtd 8/10/00	Howard L & Frankye D Craig Ttees 1735 Caughlin Creek Rd Reno, NV 89519	200,000.00	100,000.00
10725-02307	1/13/2007	D G Menchetti Ltd Pension Plan	C/O D G Menchetti Trustee PO Box 7100 Incline Village, NV 89452-7100	280,000.00	125,000.00
10725-02267	1/12/2007	Daniel Living Trust As Amended Dtd 1/9/98	Mark A & Cathy A Daniel Ttees 20 Redonda Irvine, CA 92620-1954	1,119,987.66	100,000.00
10725-02063	1/11/2007	Dery, James D & Ann R Husband & Wife	10 Longmeadow Ln Beachwood, OH 44122	2,793,347.72	50,000.00
10725-02382	1/16/2007	Essaff Family Trust Dtd 6/18/02	Robert & Cindy H Essaff Ttees 2860 Heybourne Rd Minden, NV 89423	3,198,368.02	200,000.00
10725-00500	10/9/2006	Everett H Johnston Family Trust Dtd 1/24/90	C/O Everett H Johnston Trustee PO Box 3605 Incline Village, NV 89450-3605	668,305.12	200,000.00
10728-00060	10/5/2006	Evo E & Billie D Zepponi Family Trust Agt Dt 2/9/9	C/O Evo & Billie Zepponi Tee 14385 W Morning Star Trail Surprise, AZ 85374-3816	3,691.66	486.11
10725-01884	1/8/2007	Fallon, Thomas	Usaid Thailand Apo AP 96546	216,214.60	54,152.69
10725-00525	10/10/2006	Fernandes, Melissa	4001 Oak Manor Ct Hayward, CA 94542	116,143.68	58,071.84

**EXHIBIT A**